

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FINALROD IP, LLC,

*Plaintiff / Counter-Defendant,*

v.

ENDURANCE LIFT SOLUTIONS, INC.,

*Defendant / Counter-Plaintiff.*

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Case No. 2:20-cv-00189-JRG-RSP

**ORDER**

Counter-Defendant Finalrod IP, LLC (“Finalrod”) previously filed a Motion to Dismiss Pursuant to FRCP 12(b)(6) and to Strike Pursuant to FRCP 12(f) (“Motion”). (Dkt. No. 17.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 38), recommending denial of Finalrod’s Motion. Because no objections have been filed and because of the reasons set forth in the Report and Recommendation, the Recommendation is **ADOPTED**. It is therefore **ORDERED** that the Motion (Dkt. No. 17) is **DENIED**.

**So Ordered this**

**Mar 1, 2021**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE